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Attorneys for Defendant
SAMEER PADHYE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NATIONAL SPECIALTY PHARMACY, LLC,

Plaintiff,

v.

SAMEER PADHYE, an individual;
MAYBELLINE SANA, an individual; RAYNE
BRIDGES, an individual; ABHINAY PADHYE,
an individual; COLIGOMED INC., a Delaware
Domestic Corporation; ENLIL, INC., a Delaware
Domestic Corporation; and Does 1 to 50,
inclusive,

Defendants.

Case No.: 5:23-CV-4357

**DEFENDANT SAMEER PADHYE'S
ANSWER TO FIRST AMENDED
COMPLAINT**

DEMAND FOR JURY TRIAL

/

Defendant SAMEER PADHYE ("Defendant"), by and through his counsel of record, hereby answers the First Amended Complaint ("Complaint") filed by Plaintiff NATIONAL SPECIALTY PHARMACY, LLC ("Plaintiff") as follows:

NATURE OF THE ACTION

1. Defendant admits that he was hired by Plaintiff but denies the remaining allegations against him. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 of the Complaint, and, therefore, denies each and every remaining allegation contained therein.

2. Defendant denies the allegations in Paragraph 2 of the Complaint.

THE PARTIES

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the second Paragraph 2 of the Complaint, and, therefore, denies each and every allegation contained therein.

4. Defendant admits the allegations in Paragraph 3 of the Complaint.

5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint, and, therefore, denies each and every allegation contained therein.

6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint, and, therefore, denies each and every allegation contained therein.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint, and, therefore, denies each and every allegation contained therein.

8. Defendant admits that Abhinay Padhye is his brother but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7 of the Complaint, and, therefore, denies each and every remaining allegation contained therein.

9. Defendant denies the allegations against him in Paragraph 8 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8 of the Complaint and therefore denies each and every remaining allegation contained therein.

10. Defendant denies the allegations against him in Paragraph 9 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9 of the Complaint and therefore denies each and every remaining allegation contained therein.

11. Defendant denies the allegations against him in Paragraph 10 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10 of the Complaint and therefore denies each and every remaining

1 allegation contained therein.

2 12. Defendant denies the allegations against him in Paragraph 11 of the Complaint.
3 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
4 remaining allegations in Paragraph 11 of the Complaint and therefore denies each and every remaining
5 allegation contained therein.

6 13. Defendant is without knowledge or information sufficient to form a belief as to the truth
7 of the allegations in Paragraph 12 of the Complaint, and, therefore, denies each and every allegation
8 contained therein.

9 14. Defendant denies the allegations against him in Paragraph 13 of the Complaint.
10 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
11 remaining allegations in Paragraph 13 of the Complaint and therefore denies each and every remaining
12 allegation contained therein.

13 15. Defendant denies the allegations against him in Paragraph 14 of the Complaint.
14 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
15 remaining allegations in Paragraph 14 of the Complaint and therefore denies each and every remaining
16 allegation contained therein.

17 16. Defendant denies the allegations in Paragraph 15 of the Complaint.

18 **JURISDICTION AND VENUE**

19 17. The allegations in Paragraph 16 of the Complaint contain legal conclusions and
20 arguments to which no response is required. To the extent a response is required, Defendant denies the
21 allegations in Paragraph 16 of the Complaint.

22 18. The allegations in Paragraph 17 of the Complaint contain legal conclusions and
23 arguments to which no response is required. To the extent a response is required, Defendant denies the
24 allegations in Paragraph 17 of the Complaint.

25 **INTRADISTRICT ASSIGNMENT**

26 19. The allegations in Paragraph 18 of the Complaint contain legal conclusions and
27 arguments to which no response is required. To the extent a response is required, Defendant denies the
28 allegations in Paragraph 18 of the Complaint.

GENERAL ALLEGATIONS

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 19 of the Complaint, and, therefore, denies each and every allegation contained therein.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 20 of the Complaint, and, therefore, denies each and every allegation contained therein.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 21 of the Complaint, and, therefore, denies each and every allegation contained therein.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 22 of the Complaint, and, therefore, denies each and every allegation contained therein.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in the second Paragraph 23 of the Complaint, and, therefore, denies each and every allegation contained therein.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 24 of the Complaint, and, therefore, denies each and every allegation contained therein.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 25 of the Complaint, and, therefore, denies each and every allegation contained therein.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 26 of the Complaint, and, therefore, denies each and every allegation contained therein.

28. Defendant denies the allegations in Paragraph 27 of the Complaint.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 28 of the Complaint, and, therefore, denies each and every allegation

1 contained therein.

2 30. Defendant admits that he was hired by Plaintiff on October 11, 2022 as its Chief
3 Strategy Officer and that he was an at-will employee. Defendant denies the remaining allegations in
4 Paragraph 29 of the Complaint.

5 31. Defendant is without knowledge or information sufficient to form a belief as to the truth
6 of the allegation in Paragraph 30 of the Complaint, and, therefore, denies each and every allegation
7 contained therein.

8 32. Defendant is without knowledge or information sufficient to form a belief as to the truth
9 of the allegation in Paragraph 31 of the Complaint, and, therefore, denies each and every allegation
10 contained therein.

11 33. Defendant is without knowledge or information sufficient to form a belief as to the truth
12 of the allegation in Paragraph 32 of the Complaint, and, therefore, denies each and every allegation
13 contained therein.

14 34. Defendant is without knowledge or information sufficient to form a belief as to the truth
15 of the allegation in Paragraph 33 of the Complaint, and, therefore, denies each and every allegation
16 contained therein.

17 35. Defendant admits to signing a “Conflict of Interest Certification” and a “National
18 Specialty Pharmacy, LLC At-Will Employment, Confidential Information, and Invention Assignment”
19 and receiving and reviewing an “Employee Handbook.” Defendant is without knowledge or
20 information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 34 of
21 the Complaint and therefore denies each and every remaining allegation contained therein.

22 36. Defendant denies the allegations against him in Paragraph 35 of the Complaint.
23 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
24 remaining allegations in Paragraph 35 of the Complaint and therefore denies each and every remaining
25 allegation contained therein.

26 37. Defendant denies the allegations against him in Paragraph 36 of the Complaint.
27 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
28 remaining allegations in Paragraph 36 of the Complaint and therefore denies each and every remaining

1 allegation contained therein.

2 38. Defendant denies the allegations against him in Paragraph 37 of the Complaint.
3 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
4 remaining allegations in Paragraph 37 of the Complaint and therefore denies each and every remaining
5 allegation contained therein.

6 39. Defendant is without knowledge or information sufficient to form a belief as to the truth
7 of the allegation in Paragraph 38 of the Complaint, and, therefore, denies each and every allegation
8 contained therein.

9 40. Defendant is without knowledge or information sufficient to form a belief as to the truth
10 of the allegation in Paragraph 39 of the Complaint, and, therefore, denies each and every allegation
11 contained therein.

12 41. Defendant denies the allegations against him in Paragraph 40 of the Complaint.
13 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
14 remaining allegations in Paragraph 40 of the Complaint, and, therefore, denies each and every
15 remaining allegation contained therein.

16 42. Defendant denies the allegations against him in Paragraph 41 of the Complaint.
17 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
18 remaining allegations in Paragraph 41 of the Complaint, and, therefore, denies each and every
19 remaining allegation contained therein.

20 43. Defendant denies each and every allegation in Paragraph 42 of the Complaint.

21 44. Defendant denies each and every allegation in Paragraph 43 of the Complaint.

22 45. Defendant is without knowledge or information sufficient to form a belief as to the truth
23 of the allegation in the second Paragraph 4 of the Complaint, and, therefore, denies each and every
24 allegation contained therein.

25 46. Defendant denies each and every allegation in Paragraph 45 of the Complaint.

26 47. Defendant denies each and every allegation in Paragraph 46 of the Complaint.

27 48. Defendant denies each and every allegation in Paragraph 47 of the Complaint.

28 49. Defendant is without knowledge or information sufficient to form a belief as to the truth

1 of the allegation in Paragraph 48 of the Complaint, and, therefore, denies each and every allegation
2 contained therein.

3 50. Defendant denies the allegations against him in Paragraph 49 of the Complaint.
4 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
5 remaining allegations in Paragraph 49 of the Complaint and therefore denies each and every remaining
6 allegation contained therein.

7 51. Defendant denies the allegations against him in Paragraph 50 of the Complaint.
8 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
9 remaining allegations in Paragraph 50 of the Complaint and therefore denies each and every remaining
10 allegation contained therein.

11 52. Defendant denies the allegations against him in Paragraph 51 of the Complaint.
12 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
13 remaining allegations in Paragraph 51 of the Complaint and therefore denies each and every remaining
14 allegation contained therein.

15 53. Defendant is without knowledge or information sufficient to form a belief as to the truth
16 of the allegation in Paragraph 52 of the Complaint, and, therefore, denies each and every allegation
17 contained therein.

18 54. Defendant is without knowledge or information sufficient to form a belief as to the truth
19 of the allegation in Paragraph 53 of the Complaint, and, therefore, denies each and every allegation
20 contained therein.

21 55. Defendant is without knowledge or information sufficient to form a belief as to the truth
22 of the allegation in Paragraph 54 of the Complaint, and, therefore, denies each and every allegation
23 contained therein.

24 56. Defendant denies the allegations against him in Paragraph 55 of the Complaint.
25 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
26 remaining allegations in Paragraph 49 of the Complaint and therefore denies each and every remaining
27 allegation contained therein.

28 57. Defendant denies the allegations against him in Paragraph 56 of the Complaint.

1 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
2 remaining allegations in Paragraph 56 of the Complaint and therefore denies each and every remaining
3 allegation contained therein.

4 58. Defendant is without knowledge or information sufficient to form a belief as to the truth
5 of the allegation in Paragraph 57 of the Complaint, and, therefore, denies each and every allegation
6 contained therein.

7 59. Defendant is without knowledge or information sufficient to form a belief as to the truth
8 of the allegation in Paragraph 58 of the Complaint, and, therefore, denies each and every allegation
9 contained therein.

10 60. Defendant denies the allegations against him in Paragraph 59 of the Complaint.
11 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
12 remaining allegations in Paragraph 59 of the Complaint and therefore denies each and every remaining
13 allegation contained therein.

14 61. Defendant denies the allegations against him in Paragraph 60 of the Complaint.
15 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
16 remaining allegations in Paragraph 60 of the Complaint and therefore denies each and every remaining
17 allegation contained therein.

18 62. Defendant denies the allegations against him in Paragraph 61 of the Complaint.
19 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
20 remaining allegations in Paragraph 61 of the Complaint and therefore denies each and every remaining
21 allegation contained therein.

22 63. Defendant denies the allegations against him in Paragraph 62 of the Complaint.
23 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
24 remaining allegations in Paragraph 62 of the Complaint and therefore denies each and every remaining
25 allegation contained therein.

26 64. Defendant denies the allegations against him in Paragraph 63 of the Complaint.
27 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
28 remaining allegations in Paragraph 63 of the Complaint and therefore denies each and every remaining

1 allegation contained therein.

2 **FIRST CAUSE OF ACTION**

3 **FRAUD – INTENTIONAL MISREPRESENTATION (CIV. CODE §§ 1572-1573); FRAUD-**
4 **FRAUDULENT CONCEALMENT (CIV. CODE, §1710(1),(3)); FRAUD-PROMISSORY**
5 **FRAUD**

6 65. Defendant incorporates by reference each and every admission and denial as stated
7 above as to Paragraph 64 of the Complaint.

8 66. Defendant denies the allegations against him in Paragraph 65 of the Complaint.
9 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
10 remaining allegations in Paragraph 65 of the Complaint and therefore denies each and every remaining
11 allegation contained therein.

12 67. Defendant denies the allegations against him in Paragraph 66 of the Complaint.
13 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
14 remaining allegations in Paragraph 66 of the Complaint and therefore denies each and every remaining
15 allegation contained therein.

16 68. Defendant denies the allegations against him in Paragraph 67 of the Complaint.
17 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
18 remaining allegations in Paragraph 67 of the Complaint and therefore denies each and every remaining
19 allegation contained therein.

20 69. Defendant denies each and every allegation in Paragraph 68 of the Complaint.

21 70. Defendant is without knowledge or information sufficient to form a belief as to the truth
22 of the allegation in Paragraph 71 of the Complaint, and, therefore, denies each and every allegation
23 contained therein.

24 71. Defendant denies the allegations against him in Paragraph 70 of the Complaint.
25 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
26 remaining allegations in Paragraph 70 of the Complaint and therefore denies each and every remaining
27 allegation contained therein.

28 72. Defendant incorporated by reference each and every admission and denial as stated above
as to Paragraph 71 of the Complaint.

73. Defendant denies the allegations against him in Paragraph 72 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 72 of the Complaint and therefore denies each and every remaining allegation contained therein.

74. Defendant denies the allegations against him in Paragraph 73 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 73 of the Complaint and therefore denies each and every remaining allegation contained therein.

75. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 74 of the Complaint, and, therefore, denies each and every allegation contained therein.

76. Defendant denies the allegations against him in Paragraph 75 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 75 of the Complaint and therefore denies each and every remaining allegation contained therein.

SECOND CAUSE OF ACTION

(BREACH OF CONTRACT)

77. Defendant incorporates by reference each and every admission and denial as stated above as to Paragraph 76 of the Complaint.

78. Defendant denies the allegations against him in Paragraph 77 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 77 of the Complaint and therefore denies each and every remaining allegation contained therein.

79. Defendant denies the allegations against him in Paragraph 78 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 78 of the Complaint and therefore denies each and every remaining allegation contained therein.

THIRD CASE OF ACTION

TORTIOUS INTERFERENCE

80. Defendant incorporates by reference each and every admission and denial as stated above as to Paragraph 79 of the Complaint.

81. Defendant denies the allegations against him in Paragraph 80 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 80 of the Complaint and therefore denies each and every remaining allegation contained therein.

82. Defendant denies the allegations against him in Paragraph 81 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 81 of the Complaint and therefore denies each and every remaining allegation contained therein.

FOURTH CAUSE OF ACTION

CONVERSION

83. Defendant incorporates by reference each and every admission and denial as stated above as to Paragraph 82 of the Complaint.

84. Defendant denies the allegations against him in Paragraph 83 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 83 of the Complaint and therefore denies each and every remaining allegation contained therein.

85. Defendant denies the allegations against him in Paragraph 84 of the Complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 84 of the Complaint and therefore denies each and every remaining allegation contained therein.

FIFTH CAUSE OF ACTION

**CONSPIRACY TO CONVERT (CIVIL CONSPIRACY TO VIOLATE PEN. CODE § 493,
502(C))**

86. Defendant incorporates by reference each and every admission and denial as stated above

1 as to Paragraph 85 of the Complaint.

2 87. Defendant denies the allegations against him in Paragraph 86 of the Complaint.
3 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
4 remaining allegations in Paragraph 86 of the Complaint and therefore denies each and every remaining
5 allegation contained therein.

6 **SIXTH CAUSE OF ACTION**

7 **MISAPPROPRIATION OF TRADE SECRETS IN VIOLATION OF THE DEFEND TRADE**
8 **SECRETS ACT, 18. U.S.C. § 1836**

9 88. Defendant incorporates by reference each and every admission and denial as stated above
10 as to Paragraph 87 of the Complaint.

11 89. Defendant is without knowledge or information sufficient to form a belief as to the truth
12 of the allegation in Paragraph 88 of the Complaint, and, therefore, denies each and every allegation
13 contained therein.

14 90. Defendant is without knowledge or information sufficient to form a belief as to the truth
15 of the allegation in Paragraph 89 of the Complaint, and, therefore, denies each and every allegation
16 contained therein.

17 91. Defendant denies the allegations against him in Paragraph 90 of the Complaint.
18 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
19 remaining allegations in Paragraph 90 of the Complaint and therefore denies each and every remaining
20 allegation contained therein.

21 92. Defendant is without knowledge or information sufficient to form a belief as to the truth
22 of the allegation in Paragraph 91 of the Complaint, and, therefore, denies each and every allegation
23 contained therein.

24 93. Defendant is without knowledge or information sufficient to form a belief as to the truth
25 of the allegation in Paragraph 92 of the Complaint, and, therefore, denies each and every allegation
26 contained therein.

27 94. Defendant denies the allegations against him in Paragraph 93 of the Complaint.
28 Defendant is without knowledge or information sufficient to form a belief as to the truth of the

1 remaining allegations in Paragraph 93 of the Complaint and therefore denies each and every remaining
2 allegation contained therein.

3 **SEVENTH CAUSE OF ACTION**

4 **(UNFAIR BUSINESS PRACTICES (BUS. & PROF. CODE §§ 17200, ET SEQ.))**

5 95. Defendant incorporates by reference each and every admission and denial as stated
6 above as to Paragraph 94 of the Complaint.

7 96. Defendant denies the allegations against him in Paragraph 95 of the Complaint.
8 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
9 remaining allegations in Paragraph 95 of the Complaint and therefore denies each and every remaining
10 allegation contained therein.

11 **EIGHTH CAUSE OF ACTION**

12 **(BUSINESS DISPARAGEMENT, TRADE LIBEL)**

13 97. As this cause of action is not asserted against answering Defendant, no response is
14 necessary to Paragraphs 96-99 of the Complaint. Nevertheless, Defendant denies any allegations
15 asserted against him in this cause of action.

16 **PRAYER FOR RELIEF**

17 98. Defendant denies each and every allegation in Paragraph 100 of the Complaint.

18 99. Defendant denies each and every allegation in Paragraph 106 of the Complaint.

19 100. Defendant denies each and every allegation in Paragraph 107 of the Complaint.

20 **AFFIRMATIVE DEFENSES**

21 Defendant, in the alternative, and without prejudice to the denials and other statements made in
22 its Answer to the Complaint, states the following Affirmative Defenses. By setting for these
23 affirmative defenses, Defendant does not assume the burden of proof as to any fact issue or other
24 element of any cause of action for which Plaintiff bears the burden of proof.

25 **FIRST AFFIRMATIVE DEFENSE**

26 **(Failure to State a Claim for Which Relief Can Be Granted)**

27 Defendant alleges that the Complaint, and each cause of action contained therein, fails to state
28 facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE**(Negligence of Plaintiff)**

Defendant is informed and believes and thereon alleges that Plaintiff himself was negligent and/or careless in and about the matters alleged in the Complaint, and to the extent said negligence and/or carelessness caused and/or contributed to injuries and/or damages, if any, Plaintiff's recovery should be barred or proportionately reduced.

THIRD AFFIRMATIVE DEFENSE**(Negligence of Other Persons)**

Defendant is informed and believes and thereon alleges that other persons were careless and/or negligent, and/or committed intentional acts, and that this carelessness and negligence or these intentional acts proximately contributed to the happening of the incidents referred to in the Complaint.

FOURTH AFFIRMATIVE DEFENSE**(Failure to Use Reasonable Care)**

Defendant is informed and believes and thereon alleges that Plaintiff failed and neglected to use reasonable care to protect himself and to minimize the losses and damages complained of, if any there were.

FIFTH AFFIRMATIVE DEFENSE**(No Reliance)**

Defendant is informed and believes and thereon alleges that Plaintiff did not rely upon any representations made by Defendant, and therefore, any injuries, losses or damages complained of by Plaintiff, if any there were, were not occasioned by any representations made by Defendant.

SIXTH AFFIRMATIVE DEFENSE**(Ratification)**

Defendant is informed and believes and thereon alleges that Plaintiff ratified and confirmed the transactions which are the subject matter of the Complaint, and every representation, if any, made by this Defendant.

SEVENTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

Plaintiff's claims are barred to the extent that Plaintiff has failed to exhaust its administrative remedies prior to commencing this action.

EIGHTH AFFIRMATIVE DEFENSE

(Consent)

Defendant is informed and believes and thereon alleges that Plaintiff consented to all the acts of the Defendant complained of in the Complaint, and that said consent was both express and implied.

NINTH AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

Plaintiff is not entitled to recover the amount of damages from Defendant as alleged in its Complaint, or any damages, due to its continuous failure to make reasonable efforts to mitigate or minimize the damages that it has allegedly incurred.

TENTH AFFIRMATIVE DEFENSE

(Ratification)

Plaintiff is precluded from pursuing his Complaint and each cause of action alleged in it because of his failure to act upon the knowledge available to him, thereby ratifying the conduct of Defendant he complaints of.

ELEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

Plaintiff is precluded from maintaining the Complaint, and each purported cause of action alleged therein , because plaintiff engaged in conduct showing unclean hands.

TWELFTH AFFIRMATIVE DEFENSE

(Adequate Remedy at Law)

Plaintiff is not entitled to the equitable relief sought insofar as he has an adequate remedy at law.

RESERVATION OF RIGHT TO ASSERT ADDITIONAL DEFENSES

Defendant presently has insufficient knowledge or information on which to form a belief as to

1 whether Defendant may have additional, as yet unstated, defenses available. Defendant reserves herein
2 the right to assert additional defenses in the event discovery indicates that they would be appropriate.

3 WHEREFORE, Defendant prays as follows:

- 4 1. That Plaintiff take nothing from this answering Defendant by this Complaint;
- 5 2. That Defendant be awarded judgment in this action;
- 6 3. For costs of suit incurred herein; and
- 7 4. For such other and further relief as the Court deems proper.

8
9 DATED: October 12, 2023

LAW OFFICE OF RICHARD H. POULSON

11
12 By /s/ Richard H. Poulson
13 RICHARD H. POULSON
14 Attorney for Defendant
15 SAMEER PADHYE
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JURY DEMAND

Defendant Sameer Padhye demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: October 12, 2023

LAW OFFICE OF RICHARD H. POULSON

By /s/ Richard H. Poulson
RICHARD H. POULSON
Attorney for Defendant
SAMEER PADHYE

CERTIFICATE OF SERVICE

I, Richard H. Poulson, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 2233 Santa Clara Avenue, Suite 3, Alameda, California 94501.

On October 12, 2023, I served the following document(s) on the parties in the within action:

DEFENDANT SAMEER PADHYE'S ANSWER TO FIRST AMENDED COMPLAINT

X	VIA MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at San Francisco, California on this date, addressed as listed below.
X	VIA E-MAIL: I attached the above-described document(s) to an e-mail message, and invoked the send command at approximately 7 PM to transmit the e-mail message to the person(s) at the e-mail address(es) listed below. My email address is JSoares@mpbf.com/BRenner@mpbf.com.
	VIA HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as listed below.
	VIA FACSIMILE: The above-described document was transmitted via facsimile and a copy of same was mailed on this same date to the addresses listed below.
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the addresses listed below.
	VIA FILE & SERVE: By causing a true and correct copy thereof to be served through OneLegal addressed to all parties appearing on the OneLegal Serve electronic service list.

Cyrus Johnson, Esq.
7300 State Highway 121; Ste, 300
McKinney, Texas 75070
Telephone: (972) 516-4322
E-mail: email@cyrusjohnson.com

Attorney For Plaintiff
NATIONAL SPECIALTY
PHARMACEUTICALS

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on October 12, 2023.

By: Richard H. Poulson